

13281  
042204

U.S. PTO

PTO/SB/05 (01-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 1735.0290006/RWE/ALS

First Inventor Eckard Weber

Title See 1 in Addendum

Express Mail Label No.

22278 U.S. PTO  
10/829381

042204

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 147]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 9]
5. Oath or Declaration [Total Sheets 6]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ Paper
- c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: EOT Authorization and Formal Drawings (12 sheets)  
The name of the assignee is: Cytovia, Inc.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/947,387

Prior application information:

Examiner

Ceperley, M.

Art Unit: 1641

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 26111 OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Aaron L. Schwartz

Registration No. (Attorney/Agent)

48,181

Signature

Date

April 22, 2009

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Addendum

1. Novel Fluorogenic Or Fluorescent Reporter Molecules And Their Applications For Whole-Cell Fluorescence Screening Assays For Caspases And Other Enzymes And The Use Thereof

13281 U.S. PTO  
042204

# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 385.00

### Complete if Known

Application Number	(to be assigned)
Filing Date	(herewith)
First Named Inventor	Eckard Weber
Examiner Name	(to be assigned)
Art Unit	(to be assigned)
Attorney Docket No.	1735.0290006/RWE/ALS

### METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None

\*\*Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036

Deposit Account Number: 19-0036  
Deposit Account Name: Sterne Kessler, Goldstein & Fox P.L.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			385

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	18 - 20 ** =		
Multiple Dependent	2 - 3 ** =		

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) -0-

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) -0-

### SUBMITTED BY

Name (Print/Type)	Aaron L. Schwartz	Registration No. (Attorney/Agent)	48,181	Telephone	(202) 371-2600
Signature		Date	April 27, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practice Limited to  
Federal Agencies

April 22, 2004

**WRITER'S DIRECT NUMBER:**  
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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Mail Stop Patent Application**

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No. (to be assigned); filed (herewith)  
For: **Novel Fluorogenic or Fluorescent Reporter Molecules and  
Their Applications for Whole-Cell Fluorescence Screening  
Assays for Caspases and Other Enzymes and the Use Thereof**  
Inventors: Weber *et al.*  
Our Ref: 1735.0290006/RWE/ALS

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17);
2. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
3. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
4. U.S. Utility Patent Application entitled:

**Novel Fluorogenic or Fluorescent Reporter Molecules and Their Applications for Whole-Cell Fluorescence Screening Assays for Caspases and Other Enzymes and the Use Thereof**

and naming as inventors:

Eckard Weber, Sui Xiong Cai, John F.W. Keana, John A. Drewe and Han-Zhong Zhang

the application consisting of:

- a. An Application Data Sheet (37 C.F.R. § 1.76);
  - b. A copy of the executed Declaration, as originally filed in U.S. Appl. No. 09/168,888;
  - c. A copy of the executed Supplemental Declaration, as originally filed in U.S. Appl. No. 09/947,387;
  - d. A specification containing:
    - i. 127 pages of description prior to the claims;
    - ii. 19 pages of claims (90 claims);
    - iii. 1 page abstract;
  - e. Nine (9) sheets of drawings (Figures 1A-1F; 2A-2L; 3A-3E; 4-6 and 7A-7B); and
- 5. A copy of the executed Power of Attorney from Assignee as filed in U.S. Appl. No. 09/168,888;
  - 6. A Preliminary Amendment, with a paper copy of a Sequence Listing;
  - 7. A computer readable copy of the Sequence Listing;
  - 8. Letter to PTO Draftsman: Submission of Formal Drawings;
  - 9. Twelve (12) sheets Formal Drawings (Figures 1A-1F; 2A-2L; 3A-3E; 4-6 and 7A-7B);
  - 10. Credit Card Payment Form (PTO-2038) for \$385.00 to cover the filing fee; and
  - 11. Two (2) return postcards.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

Applicant claims small entity status (37 C.F.R. § 1.27).

Commissioner for Patents

April 22, 2004

Page 3

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'A. Schwartz', is written over the printed name.

Aaron L. Schwartz  
Agent for Applicants  
Registration No. 48,181

ALS/dab  
253405\_1.DOC  
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Weber *et al.*

Appl. No.: (to be assigned)

Filed: (herewith)

For: **Novel Fluorogenic or Fluorescent  
Reporter Molecules and Their  
Applications for Whole-Cell  
Fluorescence Screening Assays for  
Caspases and Other Enzymes and  
the Use Thereof**

Confirmation No.: (to be assigned)

Art Unit: (to be assigned)

Examiner: (to be assigned)

Atty. Docket: 1735.0290006/RWE/ALS

**Authorization to Treat a Reply as Incorporating an  
Extension of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

***Mail Stop Patent Application***

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Aaron L. Schwartz  
Agent for Applicants  
Registration No. 48,181

Date: April 22, 2004

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Weber *et al.*

Appl. No.: (to be assigned)

Filed: (herewith)

For: **Novel Fluorogenic or Fluorescent  
Reporter Molecules and Their  
Applications for Whole-Cell  
Fluorescence Screening Assays for  
Caspases and Other Enzymes and  
the Use Thereof**

Confirmation No.: (to be assigned)

Art Unit: (to be assigned)

Examiner: (to be assigned)

Atty. Docket: 1735.0290006/RWE/ALS

**Letter to PTO Draftsman: Submission of Formal Drawings**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

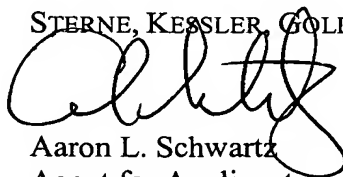
*Mail Stop Patent Application*

Sir:

Submitted herewith are twelve sheets of formal drawings with Figures 1A-1F; 2A-2L; 3A-3E; 4-6 and 7A-7B, corresponding to the informal drawings submitted with the above-captioned application. Figures 1A-1F; 3A-3E and 7A-7B contain photographs, and are provided herewith on photographic paper. Identification of the drawings is provided in accordance with 37 C.F.R. § 1.84(c). Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Aaron L. Schwartz  
Agent for Applicants  
Registration No. 48,181

Date: April 22, 2004

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
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